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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,349	04/29/2004	Richard Becker McClain	R75402	3348
22118	7590	07/28/2005		
LEO H MCCORMICK 2112 MISHAWAKA AVE P O BOX 4721 SOUTH BEND, IN 46634			EXAMINER LESLIE, MICHAEL S	
			ART UNIT	PAPER NUMBER
			3745	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/709,349

Applicant(s)

MCCLAIN ET AL.

Examiner

Michael Leslie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 11-15 is/are allowed.
- 6) ☒ Claim(s) 4-10 is/are rejected.
- 7) ☒ Claim(s) 1,2,5 and 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: Paragraph [0031], Line 1, “66” should be --60--; Paragraph [0041], Line 66, “87” should be --91--.

Appropriate correction is required.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Objections*

Claims 1, 2, 5, and 9-12 are objected to because of the following informalities:

Claim 1, Line 37, “a power piston” should be --an actuation piston--, Line 41, “second cylindrical body” should be --actuation piston--, Line 49, “power” should be --actuation--, Line 51, “power” should be --actuation--, Line 68, “second cylindrical member” should be --actuation piston--, Line 70, “termination” should be --terminate--, Line 73, “second” should be deleted, Lines 75-76, “second cylindrical member” should be --actuation piston--;

Claim 2, Line 5, “second cylindrical member” should be --actuation piston--;

Claim 5, Line 4, “power piston” should be -- actuation piston--;

Claim 9, Line 4, “first flange” should be --annular flange--;

Claim 10, Line 4, “first flange” should be --annular flange--;

Claim 11, Line 42, “valve” should be --valve spring--, Line 47-48, “termination” should be --terminate--, Line 49, “first return” should be --second return--, Line 50, “second” should be deleted;

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Claim 12, Line 7, "increases" should be --increase--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites, on line 35, "an annular projection on a second end" of the shuttle member. Claim 4 recites, on lines 2-3, "an annular rib located adjacent said second end", and claim 5 recites, on line 3, "an axial projection" on the second end. The second end of the shuttle member only includes the "annular rib" and "axial projection" both of which extend into the "third diameter section of the first cylindrical body", thus at least one of the recitations from claims 4 and 5 constitutes a double inclusion of a single element, however it is unclear which one. Claims 6 and 7 are rejected due to their dependence from claim 5.

Claim 8 recites "an annular spacer", which from the specification is element 91, however the description of the "spacer" more accurately fits the "second cylindrical body 64 (from the specification)". Further, the recited power piston should refer to the actuation piston 92.

Continuing into claim 9, the "second sleeve" appears to refer to element 89, which is located within the "second cylindrical body 64" not the "spacer" 91. The recitation of "said shoulder" lacks antecedent basis due to the recitations of "a shoulder" in claim 1 (in the first

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cylindrical member) and in claim 8. Lastly, the second end of the "second sleeve" is located in the "actuation chamber" which is not within the "spacer".

Claim 10 recites the limitation "said space" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Allowable Subject Matter***

Claims 1-3 and 11-15 are allowed.

Claims 4-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 2472695, 2980066, 3978667, 4986613, and 6732518 each disclose hydraulic brake boosters having a control valve and power piston in respective first and second bores of a housing.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Leslie whose telephone number is (571) 272-4819. The examiner can normally be reached on M-F 8:00am - 4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML

July 20, 2005

  
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Patent Examiner  
AU 3745

  
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7/25/05